

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1839. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1839.

2 Victoria – Chapter 49

An Act to alter and amend an Act, intituled “An Act to provide for the greater safety of Passengers on board Steamboats.” Passed 23d March 1839.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the first and second Sections of an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled “An Act to provide for the greater safety of Passengers on board Steamboats,” be and the same are hereby repealed; and in lieu thereof,

II. Be it enacted, That no British Boat or Vessel, propelled by Steam, shall be permitted by the Captain or Owner to depart from any Port or place within this Province to any other Port or place either within or without the Province, by sea, with passengers on board, without having on board or attached in a convenient manner at least three good and efficient Boats, with a sufficient quantity of good Oars and other tackle necessary therefor, of sufficient capacity in all to carry sixty adult passengers exclusively of the crew; and no such vessel shall be permitted by the Captain or Owner to navigate in any of the Rivers or inland waters of this Province with passengers on board, without having on board or attached in a convenient manner as aforesaid, at least two good and efficient Boats, properly equipped with oars and other tackle as aforesaid, of sufficient capacity to convey in the whole at least thirty adult passengers, exclusive of the crew.

III. And be it further enacted, That if any Master or Owner shall permit any such Vessel to depart from any Port or place within this Province, or to navigate in any of the Rivers or inland waters of this Province as aforesaid, without having on board or attached such good and efficient boats, properly equipped with oars and other tackle as aforesaid, they or either of them shall forfeit the sum of fifty pounds for each and every time such Vessel may so depart or navigate without being so provided, to be recovered, levied and applied as is directed in and by the third Section of the Act to which this is an amendment.

IV. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to appoint one Commissioner, residing at each of the following places, that is to say, in the City of Saint John and Towns of Saint Andrews and Newcastle, Miramichi; which Commissioners so to be appointed shall be empowered, and they are hereby required and directed respectively to go on board, so often as need be, any such Steam Vessel, and in the event of any such Steam Vessel departing or navigating without being equipped as is prescribed by the second Section of this Act, it shall be the duty of such Commissioners respectively to report the same to the Lieutenant Governor or Commander in Chief for the time being, in order that the party or parties so offending may be proceeded against in the manner prescribed by the said third Section of the Act to which this is an amendment.

V. And be it further enacted, That in all cases when any damage or injury shall be sustained by any person being a passenger on board any Vessel propelled by steam, by the exploding, collapsing, blowing up, or giving way of any part of the machinery of such vessel, the fact of such exploding, collapsing, blowing up or giving way shall in all actions to be prosecuted against the master or owner of such vessel, by the person so sustaining injury, be taken to be, and be prima facie evidence of carelessness and negligence in such master or owner.

VI. And be it further enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty three.